

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

VANESSA D. HOLLOWAY  
771 Vesper Way  
Camano Island, WA 98282

Respondent

Case No. 2006-144

OAH No. 2006110621

**DEFAULT DECISION AND ORDER**

The attached Default Decision and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on **OCTOBER 18, 2007.**

IT IS SO ORDERED **September 18, 2007.**



Vice-President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

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9  
10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

13 **VANESSA D. HOLLOWAY**  
14 771 Vesper Way  
15 Camano Island, WA 98282

16 Respondent.

Case No. 2006-144

OAH No. 2006110621

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, § 11520]

17  
18 **FINDINGS OF FACT**

19 1. On or about February 9, 2006, Complainant Ruth Ann Terry, M.P.H, R.N  
20 (Complainant), in her official capacity as the Executive Officer of the Board of Registered  
21 Nursing, filed Statement of Issues No. 2006-144 against Vanessa D. Holloway (Respondent)  
22 before the Board of Registered Nursing (Board).

23 2. On or about May 24, 2004, Respondent filed an application dated May 7,  
24 2004, with the Board to obtain a Registered Nursing License (License).

25 3. On or about November 29, 2004, the Board issued a letter denying  
26 Respondent's application for a License. On or about January 24, 2005, Respondent appealed the  
27 Board's denial of her application and requested a hearing.

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1                   4.       On or about March 1, 2006, Catheleen Logan, an employee of the  
2 Department of Justice, served by Certified and First Class Mail a copy of the Statement of Issues  
3 No. 2006-144 (Statement of Issues), Statement to Respondent, Notice of Defense, Request for  
4 Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's  
5 address. A copy of the Statement of Issues, the related documents, and Declaration of Service  
6 are attached as exhibit A, and are incorporated herein by reference.

7                   5.       Service of the Statement of Issues was effective as a matter of law under  
8 the provisions of Government Code section 11505, subdivision (c).

9                   6.       A Notice of Hearing was served by mail at Respondent's address and it  
10 informed her that an administrative hearing in this matter was scheduled for March 14, 2007.  
11 Respondent failed to appear at that hearing. A copy of Respondent's Appeal and Request for  
12 Hearing, the Notice of Hearing, and Declaration of Service are attached as exhibit B, and are  
13 incorporated herein by reference.

14                  7.       Government Code section 11506, subd. (c), states:

15                   The respondent shall be entitled to a hearing on the merits if the respondent files a  
16 notice of defense, and the notice shall be deemed a specific denial of all parts of the  
17 accusation not expressly admitted. Failure to file a notice of defense shall constitute a  
waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless  
grant a hearing.

18                  8.       California Government Code section 11520 states, in pertinent part:

19                   (a) If the respondent either fails to file a notice of defense or to appear at the  
20 hearing, the agency may take action based upon the respondent's express admissions or  
21 upon other evidence and affidavits may be used as evidence without any notice to  
22 respondent; and where the burden of proof is on the respondent to establish that the  
23 respondent is entitled to the agency action sought, the agency may act without taking  
evidence.

24                   ....

25                  9.       Pursuant to its authority under Government Code section 11520, the Board  
26 finds Respondent is in default. The Board will take action without further hearing and, based on  
27 Respondent's express admissions by way of default and the evidence before it, contained in  
28 exhibits A, and B, finds that the allegations, and each of them, in the Statement of Issues are true.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent has subjected her  
3 application for a License to denial.

4 2. Service of the Statement of Issues and related documents was proper and  
5 in accordance with the law.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Board is authorized to deny Respondent's application for licensure  
8 based upon the following violations alleged in the Statement of Issues:

9 a. Grounds exist to deny Respondent's application under Business  
10 and Professions Code section 2736, in conjunction with Business and Professions Code  
11 sections 480, subd. (a)(3) and, 2761, subd. (a)(4), in that on or about September 15, 2003,  
12 Washington Registered Nurse License Number RN 00135317, issued to Respondent by  
13 the State of Washington was restricted pursuant to Respondent's agreement to participate  
14 in the State of Washington health Professional Services Program.

15 ORDER

16 IT IS SO ORDERED that the application of Respondent Vanessa D. Holloway is  
17 hereby denied.

18 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
19 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
20 within seven (7) days after service of the Decision on Respondent. The agency in its discretion  
21 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
22 statute.

23 This Decision shall become effective on OCTOBER 18, 2007.

24 It is so ORDERED SEPTEMBER 18, 2007

25 *LaTranene W. Tate*  
26

27 FOR THE BOARD OF REGISTERED NURSING

1 Attachments:  
2 Exhibit A: Statement of Issues No.2006-144, Related Documents, and Declaration of Service  
3 Exhibit B: Request for Hearing, Notice of Hearing, and Declaration of Service  
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Exhibit A

Statement of Issues No. 2006-144,  
Related Documents, and Declaration of Service

ORIGINAL

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of the State of California  
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Attorneys for Complainant

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. 2006-144

**VANESSA D. HOLLOWAY**  
771 Vesper Way  
Camano Island, WA 98282

**STATEMENT OF ISSUES**

Applicant/Respondent.

Complainant alleges:

**PARTIES**

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Statement of Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about May 24, 2004, the Board of Registered Nursing, Department of Consumer Affairs received an Application for Licensure by Endorsement from Vanessa D. Holloway ("Applicant/Respondent"). On or about May 7, 2004, Applicant/Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The application was denied on or about November 29, 2004.

**JURISDICTION**

3. Section 2736 of the Business and Professions Code ("Code") provides that the Board of Registered Nursing ("Board") may deny a license when it finds that the

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1 applicant has committed any acts constituting grounds for denial of licensure under Code  
2 section 480.

3 **STATUTORY PROVISIONS**

4 4. Code section 480 provides, in pertinent part:

5 (a) A board may deny a license regulated by this code  
6 on the grounds that the applicant has one of the following:

7 ....

8 (3) Done any act which if done by a licentiate of the  
9 business or profession in question, would be grounds for  
suspension or revocation of license.

10 5. Code section 2761 provides, in pertinent part:

11 The board may take disciplinary action against a certified or  
12 licensed nurse or deny an application for a certificate or license for  
any of the following:

13 (a) Unprofessional conduct, which includes, but is not  
14 limited to, the following:

15 ....

16 (4) Denial of licensure, revocation, suspension, restriction,  
17 or any other disciplinary action against a health care professional  
18 license or certificate by another state or territory of the United  
States, by any other government agency, or by another California  
health care professional licensing board. A certified copy of the  
decision or judgment shall be conclusive evidence of that action.

19 **GROUND FOR DENIAL OF LICENSURE**

20 (Restriction on Out-of-State License)

21 6. Grounds exist to deny the application of Applicant/Respondent under  
22 Code section 2736, in conjunction with Code sections 480, subdivision (a)(3), and 2761,  
23 subdivision (a)(4), in that on or about September 15, 2003, Washington Registered Nurse  
24 License Number RN 00135317, issued to Applicant/Respondent by the State of Washington,  
25 was restricted pursuant to Applicant/Respondent's agreement to participate in the State of  
26 Washington Health Professional Services Program. The specific restrictions contained in  
27 the agreement provide for the following:

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**21. To observe the following work restrictions:**

a. No registry or home health agency without program approval.

b. Will not work a shift within twelve hours of the previous shift (will not double back).

c. Will not work overtime without program approval.

d. Will not work more than one different shift within a seven day period.

**e. Will not work nights without program approval.**

**f. Will not float from unit to unit.**

12 months. g. Will not have access to or dispense narcotics for:

**h. Will not count narcotics for: 12 months.**

i. Will not work with controlled substance IV drugs.

j. May not have multiple employers.

7. The foregoing restrictions on Applicant/Respondent's State of Washington registered nurse license will remain in effect until on or about September 15, 2010.

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1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
3 herein alleged, and that following the hearing the Board issue a decision:

- 4 1. Denying the application for licensure by endorsement of Vanessa D.  
5 Holloway; and,  
6 2. Taking such other and further action as deemed necessary and proper.  
7

8 **DATED:** 2/9/06  
9

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11   
12 RUTH ANN TERRY, M.P.H., R.N.  
13 Executive Officer  
14 Board of Registered Nursing  
15 Department of Consumer Affairs  
16 State of California  
17 Complainant  
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